

REMARKS

The Examiner's comments together with the cited references have been carefully studied. Favorable reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

The specification has been objected to. Claims 1 - 10 have been rejected under 35 USC 112. Claims 1, 2, and 5 - 10 are rejected under 35 USC 103(a) as being unpatentable over Segal in view of Nakagoshi 5,667,071 (herein after Nakagoshi '071) and Nakagoshi 5,020,669 (herein after Nakagoshi '669). Claims 3 and 4 are rejected under 35 USC 103(a) as being unpatentable over the references applied above, further in view of Kirk.

Claim 1 has been amended. Claims 1 - 10 are currently in this application.

Claim 1 has been amended to overcome the 35 USC 112 rejection. Amended claim 1 recites that the reusable article container is sealable to protect against light and moisture.

The Examiner states that the phrase "means for removably attaching said reusable container to said display member, said means for attaching comprising extended flange portions..." is inaccurate. In one of the disclosed embodiments, the means for removably attaching said reusable container to said display member is the plastic shell 30 shown in Figs. 1, 2, and 3. The extended flange portions are areas 30a and 30b shown in Fig. 3. The extended flange portions are a part of the plastic shell 30. Therefore, the Applicants have not amended this portion of claim 1. However, the Applicants are willing to work with the Examiner to further clarify the claim if necessary.

Claims 1, 2, and 5 - 10 are rejected under 35 USC 103(a) as being unpatentable over Segal in view of Nakagoshi '071 and Nakagoshi '669.

References may not be combined if there is no suggestion in the references for the combination. As stated in the instant application on page 3 lines 19 to 27, "The present invention has numerous advantages... including: it allows packaging of product in a reusable container; it is both a simple and a convenient way to display and then store a product for later use by the consumer; it provides an easily recloseable product container that protects used and unused product stored therein; it will allow packaging of hermetically sealed photographic product in a reusable container; it provides tamper resistant and tamper

evident outer display package; it contains a hinged lid, secured to the bottom portion of the package; and, it has a convenient case carrying member."

Specifically, the present invention as disclosed and claimed recites a simply designed storage and display package that displays a reusable container for carrying photographic film. The reusable container protects the photographic film from light and moisture. Implementing the claimed invention enables, the display of a reusable container and the protection of the article stored within the reusable container. The reusable container may be used more than one time (i.e., reusable) and protects the unused items stored in the reusable container from further damage or exposure.

Segal, Nakagoshi '071 and/or Nakagoshi '669 do not disclose the invention as claimed. Segal discloses a packaging technique. Segal does not display or suggest the use of the packaging technique to contain a reusable container as claimed in the instant application. Further, Segal never suggest the use of his packaging technique with photographic products, such as the products disclosed in the instant application. Segal specifically discloses the display of products (i.e., batteries) and a single-use package to contain the batteries. Segal does not suggest a package that contains and displays a reusable container. Further, when items are taken out of the packaging disclosed in Segal, they are exposed. For example, once the batteries stored in the package disclosed by Segal are opened, the batteries are exposed. In other words, once the package disclosed in Segal is opened, Segal does not suggest the protection or reuse of the products stored in the package. Therefore, there is no suggestion or motivation in Segal to combine the package shown in Segal with a reusable container as claimed in the instant application. The Examiner himself states in the office action mailed 9/20/2004 that Segal does not disclose the item being a reusable article container having a recloseable lid for containing at least one article.

To provide the reusable product container limitation of claim 1, the Examiner utilized the Nakagoshi '071 reference. However, Nakagoshi '071 discloses a photosensitive material package. The packaging disclosed in Nakagoshi '071 is a complex packaging mechanism used to protect film from light, water, etc. Nakagoshi '071 discloses a gusseted bag 28, which in turn stores a collective package 26, which in turn stores a body case 4, which in turn stores a photo film cassette 3. As disclosed by Nakagoshi '071, each of the foregoing items is

combined to contain film products. The gusseted bag 28 is detailed in Fig. 15. The body case 4 is shown in detail in Fig. 1. Neither the body case 4 nor the gusseted bag 28 have the same structure or are disclosed as performing the same function as the reusable product container 20 in the instant application. In addition, there is no suggestion in Segal to combine the packaging disclosed in Segal with the mult-layered packaging technique (i.e., gusseted bag 28, collective package 26, body case 4, photo film cassette 3) disclosed in Nakagoshi '071. As such, Segal in combination with Nakagoshi '071 does not disclose a display package formulated to enclose a reusable container for viewing, where the reusable container is capable of secure closure to protect from moisture and light exposure. Instead, these two references were brought together after viewing the Applicants' disclosure in hindsight, which is impermissible.

Nakagoshi '669 discloses a header paper mount integrated with photographic film using a film wrapping. Nakagoshi '669 does not disclose a reusable container as recited and claimed in the instant application. Instead, in Fig. 7 of Nakagoshi '669 and in column 3, lines 29-30, two cartridge cases 13 are disclosed. The two cartridge cases 13 are just shown and never defined or discussed. It is well known that a reference must be an enabling reference. The display of two cartridge cases 13 does not provide sufficient information to discern that these are reusable containers. More importantly, Nakagoshi '669 never describes the two cartridge cases 13 as reusable containers. Finally, there is no suggestion in the references, individually or in combination, which teach a storage and display package, capable of displaying and enclosing a reusable container that is sealable to protect against light and moisture as claimed in the instant application.

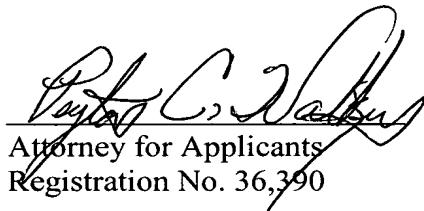
Claims 3 and 4 are rejected under 35 USC 103(a) as being unpatentable over Segal, Nakagoshi '017, Nakagoshi '669 in view of Kirk. Kirk discloses a system for packaging bicycle cables and bicycle locks. Kirk discloses a bubble pack 20. Kirk does not relate to photographic technology, nor does Kirk discuss a reusable container as claimed in the instant application. The Examiner uses Kirk as a reference to show the plastic material. However, there is no suggestion in any of the foregoing references to modify the foregoing references to use the plastic material used to package bicycle cables and bicycle locks as shown in Kirk. Further, there is no suggestion in any of the foregoing references to modify the foregoing references to use the plastic material used to package bicycle cables and bicycle locks to secure and display a reusable container

capable of containing an item, as recited in the claims of the instant application.

In view of the foregoing remarks and amendments, the claims 1 - 10 are now deemed allowable and such favorable action is courteously solicited.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,



Peyton C. Watkins
Attorney for Applicants
Registration No. 36,390

Peyton C. Watkins/djw
Rochester, NY 14650
Telephone: (585) 588-2728
Facsimile: (585) 477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.